

INDIANA BOARD OF PHARMACY

**Indiana Professional Licensing Agency
Conference Center Room W064
402 W. Washington St.
Indianapolis, IN 46204**

MINUTES OF March 10, 2008

CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer William Cover called the meeting to order at 9:19 a.m. in Conference Center Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

Board Members Present:

William Cover, R.Ph., President
Del T. Fanning, R.Ph., Vice President
Steve Anderson, R.Ph., Member
Donna Wall, PharmD., R.Ph, Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD, R.Ph., Member
Anika Calloway, J.D., Member

Board Members not in attendance:

State Officials Present:

Marty Allain, Board Director, Indiana Professional Licensing Agency
Tasha Coleman, Case Manager/Temporary Asst. Dir., Indiana Professional Licensing Agency
Gordon White, DAG, Advisory Counsel, Office of the Attorney General

A motion was made and seconded to adopt the agenda, as amended with the addition of a discussion regarding compounding under old/new business.

Wall/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to amend the February Minutes to reflect the following:

Board changed the word "require" to "recommend" regarding the motion on the McKesson personal appearance.

Board clarified that it approves the EXCPT pharmacy technician program.

The motion also adopted the minutes of the February 11, 2008 meeting of the Board.

Wall/St. Angelo

Motion carried 7/0/0

Reports were given by the Compliance Officers.

Wedgewood Pharmacy representatives appeared before the board regarding its nonresident pharmacy renewal applications. A motion was made and seconded approve the renewal application.

Wall/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to request a personal appearance for Wedgewood including follow-up information on current status of pending litigation.

Wall/Landis

Motion carried 7/0/0

Seth Houin appeared before the board regarding his pharmacist intern application. Application was tabled with Houin to contact the board upon enrollment. No motion was made.

Terri Cutshaw appeared before the board regarding her pharmacy technician application. A motion was made and seconded to table the application until May board meeting

Anderson/Landis

Motion carried 7/0/0

Donna Wall left meeting to attend settlement conferences in the following matters:

In the Matter of the Indiana License of Troy Michael Martin, R.Ph.

Administrative Cause No. 2007 IBP 0047

In the Matter of the Indiana License of John Steven Miller, III, R.Ph.

Administrative Cause No. 2007 IBP 0039

In the Matter of the Indiana License of Steven Weileman, R.Ph.

Administrative Cause No. 2007 IBP 0053

In the Matter of the Indiana License of Frank Cockman, R.Ph.

Administrative Cause No. 2007 IBP 0037

In the Matter of the Indiana License of Walgreens Pharmacy #3363

Administrative Cause No. 2007 IBP 0036

In the Matter of the Indiana License of Walgreens Pharmacy #3194

Administrative Cause No. 2007 IBP 0038

In the Matter of the Indiana License of Walgreens Pharmacy #3065

Administrative Cause No. 2007 IBP 0058

In the Matter of the Indiana License of Walgreens Pharmacy #2798

Administrative Cause No. 2007 IBP 0046

In the Matter of the Indiana License of Walgreens Pharmacy #2931

Administrative Cause No. 2007 IBP 0052

Jenny Clark appeared before the board regarding her pharmacy technician application. A motion was made and seconded to extend her temporary permit for six (6) months from this date.

Landis/St. Angelo

Motion carried 6/0/0

Amanda Field appeared before the board regarding her pharmacy technician application. A motion was made and seconded to approve the application for Pharmacy Technician.

Landis/Calloway

Motion carried 6/0/0

Michael Zaborowski appeared before the board regarding his pharmacy technician application. A motion was made and seconded to approve the application for Pharmacy Technician.

Fanning/St. Angelo

Motion carried 6/0/0

James Choueiri appeared before the board regarding his pharmacist application. A motion was made and seconded to approve the Chouerir's retaking of the MPJE for a third time.

Landis/Anderson

Motion carried 6/0/0

Bob Hansen/Mark Longley appeared before the board regarding automated medication dispensing systems. Board discussed that the matter is germane to technology sub-committee meeting and automated medication system rule.

A motion was made and seconded to approve the following pharmacy technician applications with positive responses:

Jessica Jewell
Krista Keene
Jay Monjon
Charles Dolk
Karen Sellner

Fanning/Calloway

Motion carried 6/0/0

A motion was made and seconded to approve the following requests for age waiver for a pharmacy technician application with quarterly reports from pharmacist-in-charge until sixteen years of age:

Katelyn Austin
Chelsea Allen

Fanning/Calloway

Motion carried 6/0/0

A motion was made and seconded to approve the following requests for a second technician-in-training permit.

Melissa Micinski
Dianna Menefield

Fanning/Calloway

Motion carried 6/0/0

A motion was made and seconded to approve the following non-resident pharmacy applications

Med-Care Pharmacy, Inc.
Biomed Pharmaceutical
Arbor Drugs, Inc. dba PharmaCare Specialty Pharmacy #8251
Beringer Drug Store, Inc.
Premier Kids Care, Inc.

Calloway/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to table the following non-resident pharmacy application with a request for additional information regarding second option for toll free number:

Louisville Pharmacy

Calloway/Landis

Motion carried 6/0/0

A motion was made and seconded to approve the following closed store applications:

Scheddel & Wendt Brothers
CVS #6698

Anderson/Calloway

Motion carried 6/0/0

Donna Wall returned to the meeting.

The Board approved the appearances of the following probationers:

Erik Blemker
Gerry Bowman
John Eklund
Traci Holling
Charles Lindstrom
Steven Zehring

Anderson/St. Angelo

Motion carried 7/0/0

The Board approved the appearances of the following probationers:

Lawrence Brassard
Mark Huntzinger
Stephanie Voight
Susan Reynolds
Michael Long

Landis/Calloway

Motion carried 7/0/0

A motion was made and seconded to request a personal appearance for Thomas Godge.

Landis/Wall

Motion carried 7/0/0

The Board approved the appearances of the following probationers:

Thomas MacLean
Elaine Niese
Stephen Szalewski

St. Angelo/Calloway

Motion carried 7/0/0

In the Matter of the Indiana License of Edward Certain, R.Ph.

License No. 26014256A

Administrative Cause No. 2008 IBP 0008

Re: Petition to review denial of renewal application

Parties and Counsel Present:

Edward Certain, Respondent

Joe Certain, Respondent's counsel

Participating Board Members:

Fanning

Anderson

Landis

Cover

Wall

Calloway

St. Angelo recused herself and did not participate.

Witnesses for the Respondent:

Gary Burkdull

Edward Certain

Witnesses for the State:

None

Case Summary:

Applicant appealed the board's denial of renewal.

Board Action:

A motion was made and seconded to deny the renewal of the license and submit a consumer complaint regarding Applicant Certain's failure to renew his license for five (5) years and for practicing pharmacy with an expired license.

Wall/Fanning

Motion carried 6/0/1 (St. Angelo abstained)

A motion was made and seconded to file a consumer complaint adverse the pharmacy license and qualifying pharmacist license.

Wall/Anderson

Motion carried 5/0/2 (Fanning & Landis abstained)

A motion was made and seconded to notify the Grant County prosecutor regarding the Class D felony of practicing pharmacy with an expired license.

Calloway/Wall

Motion carried 6/0/1 (St. Angelo abstained)

The Board approved the appearances of the following probationers:

Louis DelInnocentes

Tara Feldhause

Robert Jaberg

Christopher King

Angela Kruer

Dennis Mock

Christine Nafe
Harish Nair
Jeffrey Opel
Keith Schmitt
Jon Stelter
Michael Werner

Fanning/Calloway

Motion carried 6/0/1 (Landis not present)

Ed Hines did not appear for his probationary appearance.

In the Matter of the Indiana License of Michael Long, R.Ph.

License No. 26020903A

Administrative Cause No. 2006 IBP 0028

Re: Petition to Modify Probation

Parties and Counsel Present:

Michael Long, Respondent
Christa Jewsbury, DAG

Participating Board Members:

Fanning
Anderson
Landis
St. Angelo
Cover
Calloway
Wall

Witnesses for the Respondent:

Michael Long

Witnesses for the State:

None

Case Summary:

Respondent filed a petition seeking to modify the probationary status of his pharmacist's license.

Board Action:

A motion was made and seconded to modify the probationary terms to allow Respondent to work forty (40) hour weeks with no more than ten (10) hour days. Respondent shall not work more than two (2) consecutive ten (10) hour days.

Anderson/Landis

Motion carried 6/0/1 (Calloway against)

In the Matter of the Indiana License of Janet Thomas, R.Ph.

License No. 26021981A

Administrative Cause No. 2007 IBP 0067

Re: Default Hearing

Parties and Counsel Present:

Christa Jewsbury, DAG
Mark Mader, DAG

Participating Board Members:

Fanning
Anderson
Cover

Calloway
Landis
Wall
St. Angelo

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

A Notice of Proposed Default was issued by the board following Respondent's failure to appear at the final hearing set in this matter.

Board Action:

A motion was made and seconded to hold the Respondent in default.

Anderson/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to suspend the Respondent's pharmacist license.

Wall/St. Angelo

Motion carried 7/0/0

In the Matter of the Certification of Fred Mikler, Pharmacy Technician

License No. 67012173A

Administrative Cause No. 2007 IBP 0056

Re: Order to Show Cause

Parties and Counsel Present:

Fred Mikler, Respondent
Mark Mader, DAG

Participating Board Members:

Fanning
Anderson
Cover
Calloway
Landis
Wall
St. Angelo

Witnesses for the Respondent:

Fred Mikler

Witnesses for the State:

None

Case Summary:

Board issued an Order to Show Cause to the Respondent.

Board Action:

A motion was made and seconded to indefinitely suspend the Respondent's certification and requested the Respondent receive an addictionology report. Upon submission of the report, the board will accept it as a petition to withdraw suspension and set the matter for hearing.

Wall/Landis

Motion carried 7/0/0

In the Matter of the Certification of Michelle Fischer, Pharmacy Technician

License No. 67004296A

Administrative Cause No. 2007 IBP 0066

Re: Final Hearing

Parties and Counsel Present:

Mark Mader, DAG

Christa Jewsbury, DAG

Participating Board Members:

Fanning

Anderson

Calloway

Wall

Landis

St. Angelo

Cover

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The State of Indiana filed a complaint adverse the Respondent's certification.

Board Action:

A motion was made and seconded to issue a notice of proposed default.

Anderson/Landis

Motion carried 7/0/0

A motion was made and seconded to extend her emergency suspension for an additional ninety (90) days.

Wall/Anderson

Motion carried 7/0/0

In the Matter of the Certification of Ryan Scott Raines, Pharmacy Technician

License No. 67008275A

Administrative Cause No. 2006 IBP 0038

Re: Final Hearing

Parties and Counsel Present:

Participating Board Members:

Fanning

Anderson

Cover

Calloway

Wall

Landis

St. Angelo

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

A Complaint was filed against the Respondent's pharmacy license. The parties presented a settlement agreement.

Board Action:

A motion was made and seconded to issue a notice of proposed default.

Wall/Fanning

Motion carried 7/0/0

A motion was made and seconded to extend the summary suspension for an additional ninety (90) days.

Anderson/St. Angelo

Motion carried 7/0/0

In the Matter of the Certification of Christine Hurd, Pharmacy Technician

License No. 67000582A

Administrative Cause No. 2007 IBP 0054

Re: Default Hearing

Parties and Counsel Present:

Participating Board Members:

Fanning

Anderson

Cover

Calloway

Wall

Landis

St. Angelo

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

A Complaint was filed against the Respondent's license.

Board Action:

A motion was made and seconded to hold the Respondent in default.

Wall/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to revoke the Respondent's license.

St. Angelo/Wall

Motion carried 7/0/0

A motion was made and seconded to table the application and request a personal appearance for Scooter Warehouse, Inc.

Anderson/Landis

Motion carried 7/0/0

A motion was made and seconded to approve the following continuing education applications:

Timothy Lee Johnston	(1.0 hr)
Alicia Thorne	(1.0 hr)
Autumn Gordon	(0.5 hr)
Sarah Williamson	(0.5 hr)
Lisa Newman	(6 – 1hr)
Swipa	(1.0 hr)

Landis/Wall

Motion carried 7/0/0

A motion was made and seconded to table the CE application for Candace Schladenhauffen (5.0 hrs) requesting certificate of completion with objectives.

Landis/Fanning

Motion carried 7/0/0

A motion was made and seconded to approve pharmacy technician program for Pharmacy Technician Training Program.

Cover/Fanning

Motion carried 7/0/0

A motion was made and seconded to table the pharmacist application for Dale Herring and request a personal appearance.

St. Angelo/Calloway

Motion carried 7/0/0

Board staff to send letter to Lou Rego that we do not offer temporary licenses.

A motion was made and seconded to approve the license transfer application of Thomas Beringer following the passing of the MPJE.

St. Angelo/Calloway

Motion carried 7/0/0

A motion was made and seconded to approve the renewal application for Genetech, Inc.

Wall/Fanning

Motion carried 7/0/0

A motion was made and seconded to approve the following wholesale drug distribution application pending VAWD:

Dabar Pharma US, Inc. – VAWD exemption request
Americian Medical Distributors, Inc. – Change of Ownership/Positive Response
Genetech, Inc. – VAWD exemption request

Wall/Landis

Motion carried 7/0/0

MISCELLANEOUS

Board Director's Report

OLD/NEW BUSINESS

The meeting adjourned at 3:55 p.m.

William Cover, R.Ph., President
Indiana Board of Pharmacy

Date

Next Scheduled Meeting:

Monday, April 14, 2008
Indiana Professional Licensing Agency
Conference Room W064